C/F 100 rp

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 1268 **/2001**

PETITIONER: Dr. D. S. Bal, S/o Late Shri Harbansh Singh,aged 54 years, Reader in Mechanical Engineering, Engineering College (Declared Autonomous by Government) Bilaspur, R/o C-6 Engineering College Campus, Koni, Bilaspur.

VERSUS

RESPONDENTS:

1 State of Chhattisgarh, Through The Secretary, Technical Education and Manpower Planning, Raipur.

2 The Management of the Engineering College (declared Autonomous by government), Bilaspur, Through The Principal, Engineering College, Bilaspur.

3 Guru Ghasidas University, Through The Vice Chancellor, Guru Ghasidas University, Bilaspur.

P. R. No. 1329/10
Presented by Shri Kamaraj Tiwari
dated 26.7.2010

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

1. PARTICULARS OF THE PETITIONER

As per the cause title.

2. PARTICULARS OF THE RESPONDENTS

As per the cause title.

Utkarsh Varma

Commissioner

26/7/2010

XI-HC-22

(18)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 1268/2001 सन् 200

.....विरुद्ध.....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

24.8.2001 : Mr.Utkarash Verma for the petitioner.

Dr.N.K.Shukla learned Dy.AG for the State.

The impugned order of transfer has been issued by the Additional Secretary,Higher Technical Education in the name of the Governor of the State. It is submitted by the counsel for the petitioner that the order of transfer has been approved by the Chief Minister of theState of Chhattisgarh Two main objections are taken. Firstly it is submitted by the learned counsel for the petitioner that the order of transfer is in violation of norms and standards set by All India Council for Technical Education in as much as in the present order of transfer student-teacher ratio has been violated. Secondly,it is also contended that certain whither has been used to erase some words in the impugned order of transfer. According to learned counsel for the ~~learned~~ petitioner,use of whitner has ~~added~~ counsel some suspicion in the mind of the petitioner as regards bonafide of the order of transfer.

It may be stated that the petitioner has served at Engineering College,Bilaspur for more than 20 years. By this order the petitioner has been directed to join at Jagdalpur Engineering College. Learned couhsel for the ~~petitioner now states at the Bar that the writ petitioner~~

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आदेश का दिनांक आदेश क्रमांक सहित	..2.. आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

has some health problem also. It is submitted that in view of the health problem he should not be transferred from Bilaspur to Jagdalpur.

After hearing learned counsel for the petitioner as well as Dr.N.K.shukla,learned Dy.A.G. at some length and on perusal of the order of transfer I amof the view that the order impugned is a simple order of transfer issued in service exigency by the competent authority. It is not the case of the writ petitioner that he is in any way adversely affected by the transfer as regards his service condition, including the status, pay and allowances etc. Petitioner holds a transferable post and in fact the transfer is simply an incident of service. No malafide can be imputed to the order of transfer in the present case. I am inclined to say that there is no room for interference by this court with the order of transfer. Accordingly,the petition is rejected.

Sd/-
Chief Justice